



EO-637

Letter Sent to all
Section 106 parties
and tribes

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

August 31, 2007

Mr. James Kangas, Archaeologist
Bureau of Reclamation
Rapid City Field Office, KD-700
Rapid City, SD 57701

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad
Corporation Construction into the Powder River Basin

Dear Mr. Kangas,

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is pleased to provide you with a draft report entitled A Class HI Cultural Resource Inventory of Eight Portions of the Dakota, Minnesota, and Eastern Railroad Corporation's Powder River Expansion Project, Segments 1 and 2, Campbell, Niobrara, and Weston Counties, Wyoming (TRC Mariah Associates Inc. 2007). The report has been prepared as part of the cultural resources studies being completed to comply with the provisions of the Section 106 Programmatic Agreement (PA) and Identification (ID) Plan executed in May 2003 pursuant to 36 CFR 800.14 (b) for the above-referenced project.

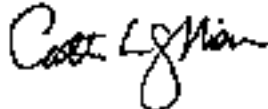
The report presents the results of a Class III cultural resource inventory for eight portions along 58.7 miles of the planned new construction alignment in eastern Wyoming. Fieldwork was completed between August 23 and November 10, 2006. The inventory surveys resulted in the identification of 14 archaeological sites and 15 individual finds located within or immediately adjacent to the planned construction corridor (the Area of Potential Effect). The report includes the consultant's recommendations regarding National Register eligibility for the identified sites. STB will make its final National Register evaluations pending receipt of comments from participating tribes and the Wyoming State Historic Preservation Officer.

Your comments and/or suggested changes must be provided within 30 days of receiving this letter. Please send your written comments directly to David Bibler, Project Manager for the Louis Berger Group Inc. (SEA's third-party contractor). If you have any questions or comments regarding any of the above, please feel free to contact me at 202-

245-0293 (Catherine.Glidden@stb.dot.gov) or David Bibler at 319-373-3043 (dbibler@louisberger.com). Pursuant to the PA, SEA will assume that the lack of comments provided within the review period will mean your concurrence with its content and findings.

Thank you taking the time to review the enclosed report. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine Glidden". The signature is fluid and cursive, with the first name "Catherine" written in a larger, more prominent script than the last name "Glidden".

Catherine Glidden
Section of Environmental Analysis

Cc: distribution list

Enclosure: TRC Mariah Associates Inc. (Draft Report, April 2007)

FULL COPY OF
REPORT ON FILE
AT STB

**A CLASS III CULTURAL RESOURCE INVENTORY
OF EIGHT PORTIONS OF THE DAKOTA,
MINNESOTA, AND EASTERN RAILROAD
CORPORATION'S POWDER RIVER EXPANSION
PROJECT, SEGMENTS 1 AND 2,
CAMPBELL, NIOBRARA, AND WESTON
COUNTIES, WYOMING**

Prepared for

HDR Engineering, Inc.
Sioux Falls, South Dakota

Prepared by

TRC Mariah Associates Inc.
Laramie, Wyoming

March 2007

SURVEY REPORT COVER PAGE

Consultant Project No: 5365 1	Agency No:
Review and Compliance No:	Cultural Records Office No: 52711

AUTHOR(S): Nathan E. Fleming, James A. Lowe, and Bruce R. McClelland

REPORT TITLE (include client name, undertaking name, survey project type, and report number): **A ClaSS III Cultural Resource Inventory of Eight Portions of the Dakota, Minnesota, and Eastern Railroad Corporation's Powder River Expansion Project, Segments 1 and 2, Campbell, Niobrara, and Weston Counties, Wyoming**

DATE OF REPORT <MO/DY/YR>: March 2, 2007

LEAD AGENCY (e.g., BLM ADMINISTRATIVE UNIT): Surface Transportation Board

SURVEY ORGANIZATION/NAME: TRC Mariah Associates Inc.

FEDERAL PERMIT NO. (e.g., BLM CULTURAL RESOURCE USE PERMIT and EXPIRATION DATE): Bureau of Land Management Cultural Resource Use Permit No. 015-WY-SR07 (expires 9/30/09) and United States Forest Service Special Use Permit No. 89014

BRIEF DESCRIPTION OF UNDERTAKING: Dakota, Minnesota, and Eastern Railroad (DM&E) proposes to construct a new railroad from Minnesota to Wyoming to access and transport coal. The Wyoming portion of the proposed project includes two rail lines that trend west and north from the South Dakota state line to the coal fields of Campbell County through Weston, Niobrara, and Campbell Counties (see Continuation Sheet).

SURVEY METHODS:

☒ **Standard 30 Meter Transects** _____ **Non-Standard** (Describe in body of report)

Survey Width (All Linear Inventory): _____ **100 feet (individual road or pipeline corridor)**
_____ **150 feet (parallel road/pipeline corridor)**
☒ **Other** (indicate width: **200-1.000 feet**)

COUNTY(IES):⁺ Campbell, Niobrara, and Weston

USGS QUAD MAPS (NAME, DATE):⁺ Darlington Draw West (1982), Morrisey (1982), Piney Canyon NE (1971), Piney Canyon NW (1971), Riverview (1978), The Nose East (1982), and The Nose West (1982), Wyoming, and Twentyone Divide (1951), Wyoming-South Dakota

LAND OWNER: * ☐ **BLM** ☐ **BuREC** ☒ **FS** ☐ **NFS** ☒ **PRIVATE** ☐ **STATE** ☐ **USFWS** ☐ **OTHER** (Specify)

LEGAL DESCRIPTION <T/R/Sec/Up to 4 qtrs and identify template corner>: * **T40N, R60W, Sections 15 (SSW), 16 (SS), 17 (SSSESE), 20 (NNNE); T40N, R61W, Sections 8 (SSE, NNESESW, SESENESE), 9 (SSSW), and 16 (NNE, NENW)** (see Continuation Sheet)

ACREAGE:

FEDERAL SURFACE	BLOCK: 0.0	LINEAR: 467	TOTAL: 467	TOTAL ACREAGE: 1,096
NON-FED SURFACE	BLOCK: 0.0	LINEAR: 629	TOTAL: 629	

FILE SEARCH DATE(S): August 15, 2006

FIELD WORK DATE(S) (MO/DY/YR): August 23 through November 10, 2006

FIELD PERSONNEL:"*" Nathan Fleming, Mark Nelson, Garry Luoma, and Allen Denoyer

SURVEY RESULTS: _____ **NO CULTURAL MATERIAL** 15 **ISOLATED FIND(S)** 14 **#SITE(S)**

+ attach continuation sheets for additional data * check all that pertain

1.0 INTRODUCTION

This report details the results of the Class III cultural resource inventory of eight portions for Dakota, Minnesota, and Eastern Railroad's (DM&E) proposed Powder River Expansion railroad project. TRC Mariah Associates Inc. (TRC Mariah) was contracted by DM&E to conduct the Class III cultural resource inventory for Segments 1 and 2 (Milepost 733.3 to 792.0) of the project in Campbell, Niobrara, and Weston Counties, Wyoming (Figures 1.1 and 1.2). The eight inventoried portions of the proposed project right-of-way (ROW) comprise 25.0 mi (40.2 km) of the total 58.7 mi (94.4 km) and represent portions of public lands and private lands that TRC Mariah had landowner permission to access. A total of 1,096 acres was inventoried, including 467 acres of federal land and 629 acres of private land. A summary table of the individual land parcels crossed by the proposed project ROW and their current access and inventory status is provided in Appendix A. Fieldwork was completed between August 23 and November 10, 2006. Craig Smith served as the principal investigator.

1.1 PROJECT LOCATION

The project area is located in northeastern Wyoming within southeastern Campbell County, northeastern Niobrara County, and southern Weston County (see Figure 1.1). The project area is encompassed by the Clareton (1982), Darlington Draw East (1982), Darlington Draw West (1982), Dupont Creek (1982), Lion Creek (1982), Little Alkali Creek (1981), Morrissey (1982), Morrissey SE (1982), Piney Canyon NE (1971), Piney Canyon NW (1971), Piney Canyon SE (1971), Piney Canyon SW (1971), Poddy Creek (1982), Riverview (1978), The Nose East (1982), The Nose West (1982), Threemile Butte (1981), and Timber Creek (1982), Wyoming, along with Twentyone Divide, Wyoming-South Dakota (1951). A linear composite of these maps shows the location of the project area from east to west and includes previously recorded and newly recorded cultural resources within and near the project area (Appendix B).

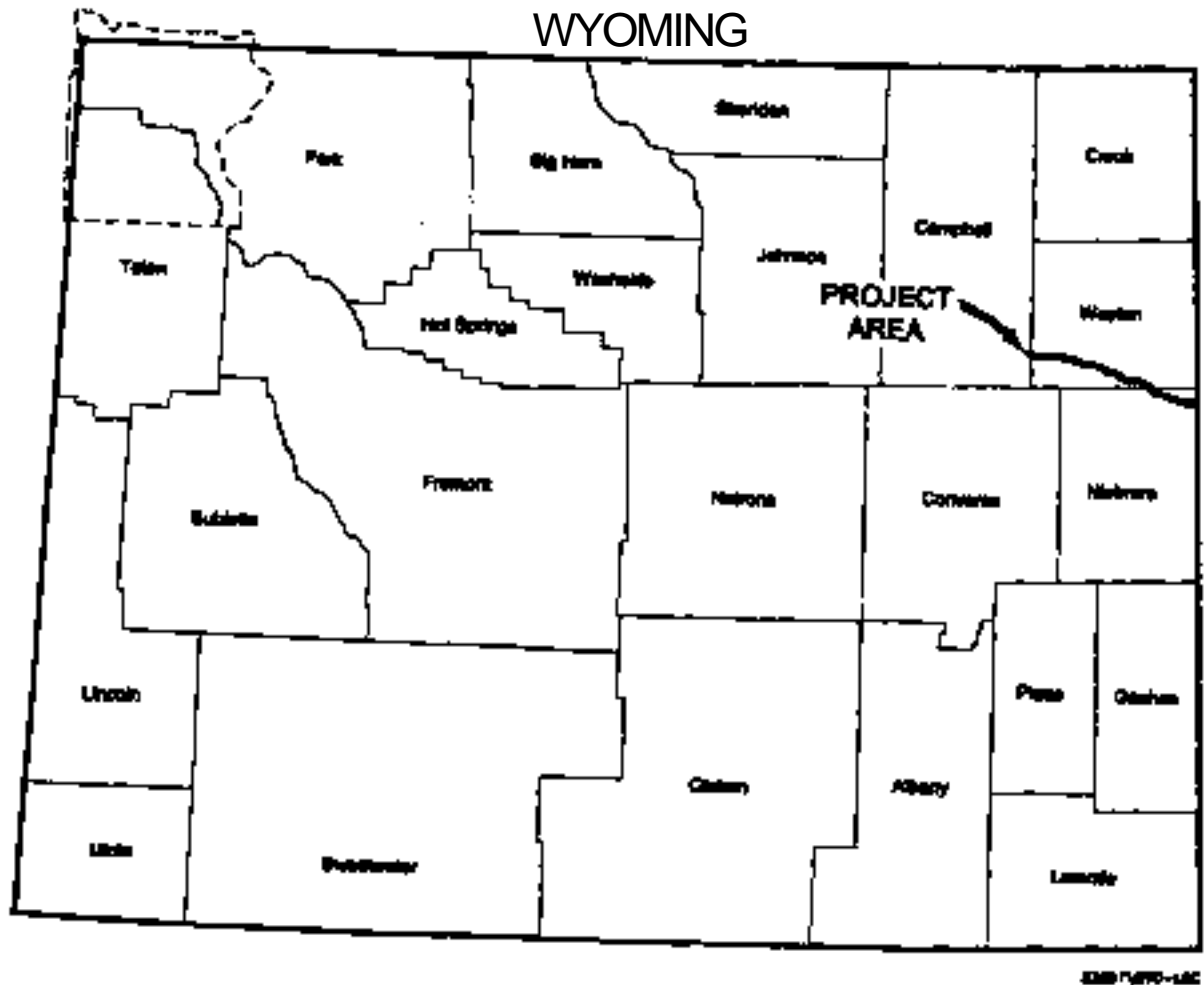


Figure 1.1 Map of Project Area.

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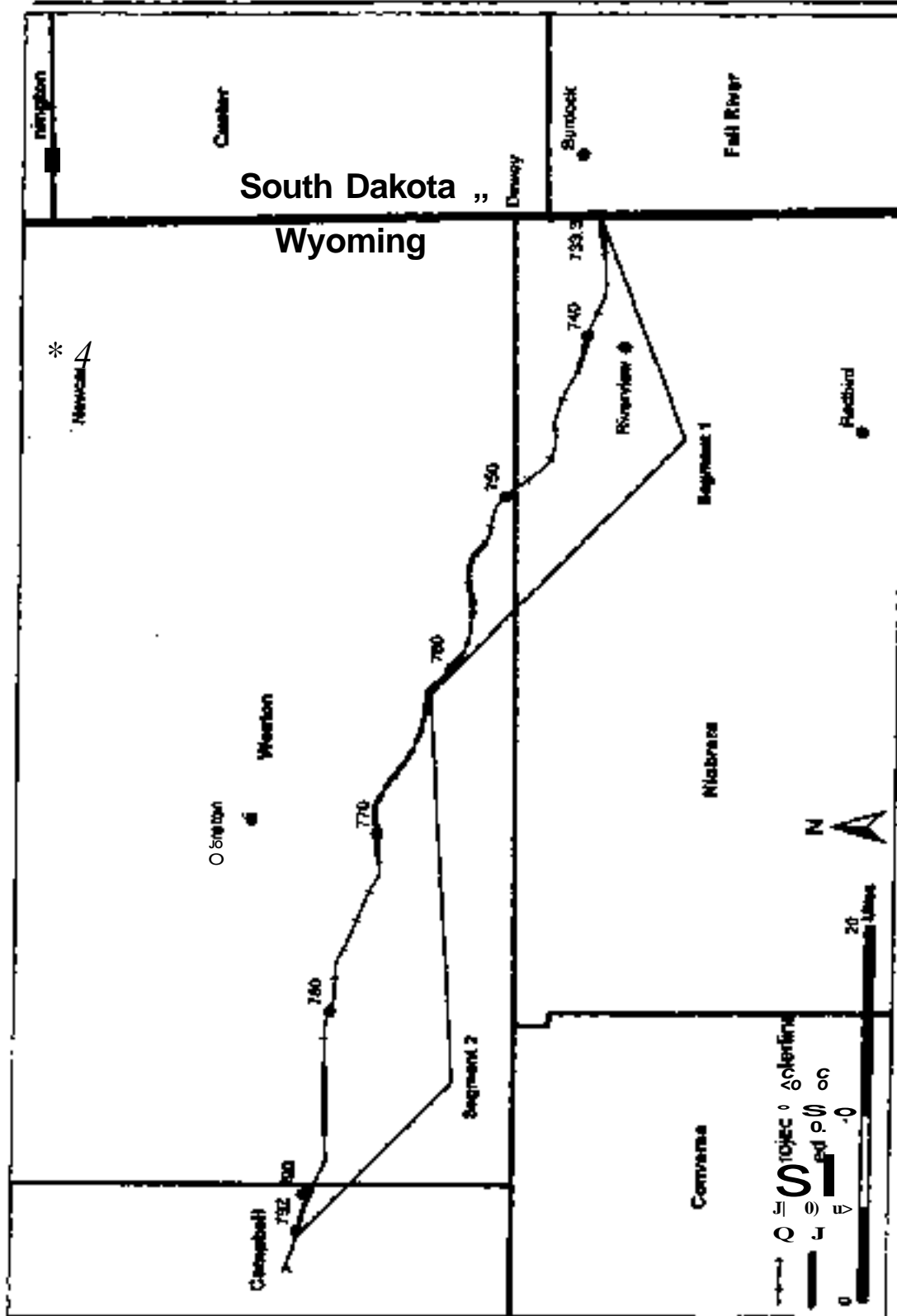


Figure 1.4 Dec 05 Map of Project area

1.2 PROJECT DESCRIPTION

DM&E proposes to construct a new railroad from Minnesota to Wyoming to access and transport coal. The Wyoming portion of the proposed project includes two rail lines that trend west and north from the South Dakota state line to the coal fields of Campbell County through Weston, Niobrara, Converse, and Campbell Counties. The Wyoming portion is divided into four segments (Segments 1 to 4) and totals approximately 120 mi (193 km). DM&E contracted TRC Mariah to conduct the Class III cultural resource inventory for Segments 1 and 2 and ACR Consultants, Inc. for Segments 3 and 4. Although project construction details are unspecified, disturbances will at minimum include surface blading, grading, and light to heavy cutting and filling.

The area of potential effect (APE) for the project has not been completely defined because much of the project is still in planning. Nevertheless, DM&E's Identification Plan (2003) for the proposed project indicates the APE will include the construction ROW for the entire new construction route along with a 20-ft (6-m) buffer on either side; any ancillary areas associated with the undertaking, including but not limited to all lateral areas, borrow areas, haul roads (new or upgraded), and staging areas; and areas outside the construction or ground disturbance ROW where there is potential for the undertaking to have an adverse effect (visually, auditory, etc.) on historic properties, as defined in 36 Code of Federal Regulations (C.F.R). 800.5. Investigated portions of the APE are limited to segments of the proposed construction ROW, which varies in width from 250 ft (76 m) to 1,000 ft (305 m). The remaining portions of the APE will be addressed in subsequent reports as project plans become formalized and landowner access issues are resolved.

2.0 ENVIRONMENTAL SETTING

The current project area is located within the northern portion of the Northern Great Plains physiographic province as defined by Fenneman (1931). Specifically, it is within the border of the High Plains and Missouri Plateau that forms part of the physiographic province. The Wyoming portion of the project area inventoried by TRC Mariah begins in northeastern Niobrara County immediately north of the Cheyenne River and along the southern flank of Twentyone Divide. This area is part of the southwestern margin of the Black Hills. The project area then extends northwest and crosses into the southeastern and southern portion of the Powder River Basin in Weston and Campbell Counties. The project area is drained by the Cheyenne River with numerous named streams and creeks forming an extensive south- and southeast-trending drainage system. The larger named water courses crossed by the project area include Robbers Roost Creek, Bobcat Creek, Alkali Creek, Lodgepole Creek, Wildcat Creek, Black Thunder Creek, Piney Creek, and Little Thunder Creek.

The current project crosses a diverse and complicated geologic area. The summary provided here is based on Love and Christiansen (1985) and is presented in an east to west sequence. The first portion of the project area crosses Cretaceous Greenhorn formation sediment and Belle Fourche Shale. The former consists of light colored limestone, marl, and sandstone interbedded with gray shale and the latter consists of black bentonitic concretionary shale. Numerous fault lines are associated with the Twentyone Divide area. Cretaceous Niobrara formation limestone and shale and Carlile Shale is present in a thin band between an unnamed north/south-trending road and west toward Riverview. Cretaceous Pierre Shale forms a north/south-trending corridor through which passes State Highway 85. This sediment is composed of dark gray marine shale and bentonite beds. The project area then crosses into a narrow arcing band of Cretaceous Fox Hills Sandstone, which consists of fossil-bearing light colored sandstone and gray sandy shale. Then a broad band of Cretaceous Lance Creek formation is crossed between Morrissey and Hampshire. This sediment is composed of brown and gray sandstone and shale and contains thin coal beds. Two members of the Paleocene Fort Union formation are then crossed. The first is the Tullock member that is composed of gray sandstone and gray and brown shales and contains thin coal beds. The second is the Lebo member that consists of dark gray shale and sandstone.

Finally, Quaternary alluvium and colluvium deposits are present along the Cheyenne River and both Lodgepole and Black Thunder Creeks.

The project area is primarily located in grasslands, as exemplified by the Thunder Basin National Grasslands, which the project traverses. More specifically, the project area crosses mixed-grass prairie (Knight 1994). Although the mixed-grass prairie can be divided into several types, all are characterized by needle-and-thread grass, western wheatgrass, blue grama, Sandberg bluegrass, Indian ricegrass, and a host of other grasses and sedges. Prickly pear is common. In some areas, the grasslands change into sagebrush steppe. Silver sagebrush is common on sandy soils and in riparian zones. The vegetation mosaic will change with topographic context and differences in soil depth, salinity, and texture will create considerable variation in the vegetation cover.

The project area receives approximately 12 inches (30 cm) of annual precipitation, most of which falls as rain between April and July. Maximum and minimum temperatures may vary as much as 140°F between summer highs (around 105°F) and winter lows (-35°F) (Martner 1986). The general area has been described as having a steppe climate, with cold winters and cool to hot summers (Roberts 1989).

Wildlife species inhabiting the general area include mule deer, pronghorn, jack and cottontail rabbit, porcupine, skunk, thirteen-lined ground squirrel, black-tailed prairie dog, and numerous species of smaller rodents. Predators include red fox, coyote, bobcat, and badger. Bison were present in the area in prehistoric times and during the initial historic period (Clark and Stromberg 1987).

3.0 FILE SEARCH RESULTS AND CULTURE HISTORY

3.1 FILE SEARCH RESULTS

File searches (Nos. 17829-17841) were completed on August 15, 2006, at the Cultural Records Office of the Wyoming State Historic Preservation Office (SHPO). This file search includes all sections within the numerous Townships and Ranges that occur within the project area. The following discussion summarizes the previous cultural resource projects and the sites recorded within a 2,000-ft (610-m) corridor (1,000 ft [305 m] on either side of the ROW) that encompasses the proposed project ROW for all of Segments 1 and 2.

The file search indicates that 48 cultural resource inventory projects have been conducted within the proposed project area, and they are summarized in Table 3.1. They include 23 combined block/linear surveys, 14 block surveys, and 11 linear surveys. The surveys were completed for 22 well pads/access roads, 12 well pads, six seismic projects, two miscellaneous projects, two pipelines, one access road, one power line, one range improvement project, and one buried telephone cable. Although not present in the official file search, the University of South Dakota (USD) conducted a cultural resource inventory for this project in 1999. Many of the sites listed in this file search were recorded during the inventory. Although no formal report/site forms were completed for that project, field notes and the initial report writing effort were available for review.

In total, 38 previously recorded sites occur within 1,000 ft (305 m) of either side of the proposed project centerline. The sites are summarized in Table 3.2. They include 23 prehistoric sites and 15 historic sites. Of the prehistoric sites, five are recommended not eligible for the National Register of Historic Places (NRHP), two are not eligible with SHPO concurrence, and 16 are unevaluated as to their NRHP status. Of the historic sites, one is eligible for the NRHP, one is not eligible with SHPO concurrence, one is recommended not eligible, and 12 are unevaluated as to their NRHP eligibility status.